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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,172	01/16/2004	James Charles Wilson	HA-HSS-1	1286
26479	7590	03/05/2008	EXAMINER	
STRAUB & POKOTYLO			HOSSAIN, TANIM M	
620 TINTON AVENUE				
BLDG. B, 2ND FLOOR				
TINTON FALLS, NJ 07724				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/760,172

Applicant(s)

WILSON ET AL.

Examiner

Tanim Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/16/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (U.S. 2002/0032583).

As per claim 1, Joao teaches a system which uses at least one device for storing and communicating information corresponding to a plurality of individuals who form a group, the system comprising: a device including a memory, the memory including: a plurality of data sets, said plurality of data sets including: a plurality of individual member information data sets, each individual member data set corresponding to a different individual member in said group and including at least one of medical information, nutritional information, insurance information, financial information, and appointment information specific to the individual group member (Abstract, paragraph 0157); a group data set, the group data set including information corresponding to a plurality of members of said group, at least some information in said group data set being aggregated from multiple group member information data sets, said group data set including aggregated information corresponding to at least one of medical information, nutritional information, insurance information, financial information, and appointment

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information (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144); and access control information, said access control information including information being used to limit the amount of access different entities are provided to the content of said plurality of data sets, the amount of access provided by said access control information depending on at least one of the identity of an entity and a type of service to be provided by an entity (Abstract, paragraph 0322). Joao does not specifically teach that the device is a portable device per se. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the device as a portable device, as portable devices have the same basic functionalities of any other network device, with viewing medical records being one of them. Further, the Joao system suggests the implementation of previous patents, with a portable medical diagnostic system being one of them (paragraph 0389). Also, it is disclosed that a cellular network is used, suggesting the use of a cellular device (paragraph 0022). As such, it would have been obvious to one of ordinary skill in the art to include the use of a portable device to implement the teachings of the invention.

As per claim 2, Joao further teaches that at least two different individual member information data sets both include insurance information and medical information, said group data set including at least some insurance information from each of said at least two different individual member information data sets (0014, 0038).

As per claim 3, Joao further teaches that at least two different individual member information data sets both include nutritional information and financial information, said group data set including at least some nutritional information from each of said at least two different individual member information data sets (0029, 0319).

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As per claim 4, Joao further teaches that said access control information includes identification information, said identification information including information distinguishing different entities who may attempt to access the memory, said entities including at least one of a member of said group and a service provider (0157).

As per claim 5, Joao further teaches that said access control information includes information used to identify different individual members of said group (0030).

As per claim 6, Joao further teaches that said access control information includes information used to identify different service providers, said different service providers including at least two of a medical service provider, insurance service providers, credit service provider (0029).

As per claim 7, Joao further teaches that said individual group member data sets are stored in an encrypted format (0323); and wherein said access control information includes information used to decrypt encrypted individual group member data sets, different encryption information being included for at least some different individual group member data sets (0323).

As per claim 8, Joao further teaches that said access control information includes information sufficient to determine a decryption key that should be used to decrypt an individual group member data set, different decryption keys being used for different individual group member data sets (0323).

As per claim 9, Joao further teaches that said different encryption keys are used for information stored in an individual group member data set corresponding to different services (0323-0324).

As per claim 10, Joao further teaches an access control means for limiting access to different sets of data stored on said portable device to different entities, said different entities being providers of different types of services (0322-0324).

As per claim 11, Joao further teaches that said access control means limits the ability of different entities to read different portions of said stored data sets (0322-0324).

As per claim 12, Joao further teaches that said access control means limits the ability of different entities to updated different portions of said stored data sets (0322-0324).

As per claim 13, Joao further teaches that said access control means limits a medical entity providing a medical service to reading and updating medical information stored in an individual group member data set corresponding to an individual group member to whom a medical service is being provided (0322-0324).

As per claim 14, Joao further teaches that said access control means limits the individual group member from obtaining access to the medical information stored in said individual group member data set (0322-0324).

As per claim 15, Joao further teaches that said access control means is included on said portable device, said access control means including: a processor (Abstract); and at least one access control routine used to control the amount of access entities have to data sets stored in the memory of the portable device (0322-0324).

As per claim 16, Joao further teaches that said portable device is a smart card (0218, 0375).

Claim 17 is rejected on the same basis as claim 1, as the instant claim discloses limitations similar to those of claim 1.

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As per claim 18, Joao further teaches that said different entities include different service providers, and wherein said step of providing different entities different levels of access includes providing an entity level of access to said plurality of data sets as a function of the type of service to be provided by the entity (0322-0324).

As per claim 19, Joao further teaches that the different service providers provide services to different members of said group, and wherein said step of providing different entities different levels of access further includes providing an entity a level of access to said plurality of data sets as a function of the identity of the group member to which said service is provided (0322-0324).

As per claim 20, Joao further teaches that providing different entities different levels of access includes: allowing an entity providing a first service to a first group member to access information stored in a first group member information data set corresponding to the first user, but preventing access by said entity to group member information data sets, stored on said portable data storage device, corresponding to other group members (0322-0324).

As per claim 21, Joao further teaches restricting said entity providing the first service to the first group member to accessing information stored in the first group member information data set that corresponds to another service which is different from said first service (0322-0324).

As per claim 22, Joao further teaches that said first service is a medical service and the information stored in the first group member information data set that corresponds to another service is financial information which corresponds to a financial service (0322-0324).

As per claim 23, Joao further teaches providing the entity providing the first service to at least a portion of said group data set which is relevant to the first service (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0322-0324).

As per claim 24, Joao further teaches updating information corresponding to the first group member stored in a network database from information read from said portable storage device (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0322-0324).

As per claim 25, Joao further teaches updating information corresponding to the first group member stored on said portable data storage device using information read from said network database (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0322-0324).

As per claim 26, Joao further teaches that said network database is a database of medical insurance information; and wherein the information used to update said medical insurance information database is patient treatment information read from said portable memory device (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0322-0324).

As per claim 27, Joao further teaches updating information corresponding to a plurality of group members stored in a network database from information read from said portable storage device (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0322-0324).

As per claim 28, Joao further teaches updating information corresponding to a plurality of group members stored in on said portable data storage device using information read from a network database (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0322-0324).

As per claim 29, Joao further teaches that said portable data storage device includes in each group member data set, health care information corresponding to the group member to which the individual group member data set corresponds (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0322-0324).

As per claim 30, Joao further teaches that said group is a household, each group member data set corresponding to a different member of said household (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0322-0324).

As per claim 31, Joao further teaches that said entities are group members; and wherein providing different entities different levels of access to said plurality of data sets includes providing a head of said group access to at least a portion of said group data set and access to at least a portion of the group member information data set which corresponds to said head of said group (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0322-0324).

As per claim 32, Joao further teaches that said entities are group members; and wherein providing different entities different levels of access to said plurality of data sets includes providing at least some members of said group access to their corresponding group member information data sets, but not to said group data set (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0322-0324).

Claim 33 is rejected on the same basis as claim 1, as the instant claim discloses similar limitations to those of claim 1.

As per claim 34, Joao further teaches a processor (Abstract); a security routine, in said memory, said security routine performing a user authentication operation using information provided by a group member, said information being used to authenticate said group member

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and to indicate user authorization to provide at least some stored information (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0322-0324).

As per claim 35, Joao further teaches that said data storage device serves as a secure method of communicating medical information without the need to transfer said information over a communications network to a service provider, said portable data storage device including in said memory in one of said individual member information data sets (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0322-0324); medical insurance information for a group member (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0322-0324); medical history information for said group member (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0322-0324); and an X-Ray in digital form, said X-Ray corresponding to said group member (paragraphs 0014, 0015, 0018, 0024, 0028, 0042, 0157, 0277, 0141, 0144, 0158, 0322-0324).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is (571)272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571/272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tanim Hossain
Patent Examiner
Art Unit 2145



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